

United States District Court
NORTHERN DISTRICT OF GEORGIADate: Sep 24 2021**KEVIN P. WEIMER**, ClerkBy: s/Kari Butler
Deputy Clerk

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINTClifford Alexander Emerson and
Timothy Brent Cudd

Case Number: 4:21-mj-52-WEJ

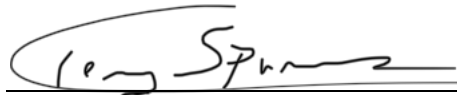
I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief.

On or about April 13, 2021 in Whitfield County, in the Northern District of Georgia, defendant Clifford Alexander Emerson did, possess a controlled substance (methamphetamine) with intent to distribute and possess a firearm in furtherance of drug trafficking, in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 924(c).

On or about June 1 and 8, 2021 in Whitfield County, in the Northern District of Georgia, defendant Timothy Brent Cudd did, possess a controlled substance (methamphetamine) with intent to distribute, in violation of Title 21, United States Code, Section 841(a)(1).

I further state that I am a DEA Task Force Officer and that this complaint is based on the following facts:
PLEASE SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof. Yes



Signature of Complainant
Tommy L Spurlock

Based upon this complaint, this Court finds that there is probable cause to believe that an offense has been committed and that the defendant has committed it. Sworn to me by telephone pursuant to Federal Rule of Criminal Procedure 4.1.

September 24, 2021

Date

at Cartersville, Georgia

City and State

WALTER E JOHNSON

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

AUSA Michael S. Qin / 404-581-6083 /
michael.qin@usdoj.gov

Signature of Judicial Officer

Issued pursuant to Federal Rule of Criminal
Procedure 4.1

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Tommy L Spurlock, hereby depose and state under penalty of perjury as follows:

1. I have been employed by the Whitfield County Sheriff's Office since June 2012 and have been a certified law enforcement officer since December 2013. Since May 2021, I have been assigned as a Task Force Officer with the Drug Enforcement Administration (DEA). I am assigned to the Rome Post of Duty (POD) North Georgia HIDTA Task Force. Prior to working as a Task Force Officer with the DEA, I had been part of the Whitfield County Sheriff's Office Narcotics Unit in Dalton, Whitfield County, Georgia. I have been employed in law enforcement for approximately nine years and have been working narcotics related investigations exclusively for approximately four years.

2. As a federal task force officer, I am authorized to investigate criminal and civil violations of the laws of the United States and to execute search warrants issued under the authority of the United States. While assigned to the DEA, I have been the case agent and/or participated in investigations involving violations of federal law in the areas of drug trafficking, firearms violations, and complex drug conspiracy cases. I have gained experience through training opportunities and the everyday work involved in conducting these types of investigations. I have also participated in executing numerous search warrants related to these investigations.

3. Based on my training and experience, I understand that drug traffickers often keep firearms near their stash of narcotics or their cash proceeds to protect their assets.

Sources of Information

4. The facts and information in this affidavit are based on information provided to me by other law enforcement officers, as well as my personal experience with the case and my background as a narcotics investigator and more recently a DEA Task Force Officer. I have not included every fact known to me concerning this investigation. Rather, I have set forth only those facts necessary to support the issuance of the requested arrest warrants.

5. I make this affidavit in support of an application for the issuance of a criminal complaint and arrest warrants for TIMOTHY BRENT CUDD and CLIFFORD ALEXANDER EMERSON for violations of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 924(c)(1)(A).

Probable Cause

Beginning of Investigation

6. In April 2021, the Whitfield County Narcotics Unit initiated an investigation into Clifford EMERSON and his drug trafficking activities in Whitfield County, Georgia. EMERSON was believed to be responsible for the distribution of multi-kilogram quantities of methamphetamine, as well as the collection of proceeds related to those illegal drug sales.

7. On April 13, 2021, the Whitfield County Narcotics Unit conducted surveillance on EMERSON at his residence at 197 Windmill Way, Dalton, Georgia 30721, which is located within the Northern District of Georgia. EMERSON had an active sale of methamphetamine warrant out of Whitfield County. Detectives made contact with EMERSON in his driveway. After being advised of his *Miranda* rights, EMERSON said that he understood his rights and agreed to talk to Detectives. EMERSON admitted that he has methamphetamine in a storage building on the property. EMERSON granted verbal consent to search the building. Detectives conducted the search and located approximately 425 gross

grams of methamphetamine, 45 caliber Ruger handgun and a 22 LR Smith and Wesson rifle.

8. EMERSON advised that he obtained the methamphetamine from Timothy CUDD. EMERSON said that CUDD gets approximately 10 pounds of methamphetamine every month in the mail and when CUDD obtains the methamphetamine, EMERSON helps sell it. EMERSON was released pending his cooperation with the Whitfield County Narcotics Unit.

9. All of the evidence was collected from the consent search and transported to the Whitfield County Sheriff's Office. Upon arrival at the Sheriff's Office, Detective Salazar processed the evidence and placed it into evidence for storage. The suspected methamphetamine did field test positive for methamphetamine.

June 1, 2021 Controlled Purchase

10. On June 1, 2021, Detectives with the Whitfield County Sheriff's Office Narcotics Unit utilized Clifford EMERSON to make a controlled purchase of approximately three ounces (approximately 85 grams) of methamphetamine from CUDD at his residence at 505 Brandon Drive, Dalton, Georgia 30721, which is also located within the Northern District of Georgia. During this controlled purchase EMERSON arrived at the residence and met with CUDD inside of the residence and gave CUDD \$2000 of buy money. CUDD then weighed out approximately three ounces of suspected methamphetamine on a digital scale located in the kitchen. CUDD gave the suspected methamphetamine to EMERSON in a clear plastic container and then had EMERSON transfer the suspected narcotics into a clear plastic bag. EMERSON put the suspected methamphetamine inside of the plastic bag that was given to him. EMERSON then left the residence, and immediately thereafter, met with law enforcement and turned over the suspected

methamphetamine that had been purchased and the recording devices law enforcement had provided him. Detectives reviewed the recording and confirmed that the purchase took place as described by EMERSON. Detectives observed the substance and, in their training and experience, the substances appearance was consistent with that of methamphetamine. A field test was conducted on the suspected methamphetamine and was positive for methamphetamine. The suspected methamphetamine was sent to the DEA lab for testing.

June 8, 2021 Controlled Purchase

11. On June 8, 2021, Detectives with the Whitfield County Sheriff's Office Narcotics Unit utilized Clifford EMERSON to make another controlled purchase of approximately three ounces of methamphetamine from CUDD at his residence. During this controlled purchase EMERSON arrived at the residence and met with CUDD inside of a building on the property. EMERSON gave CUDD \$600 of buy money. Once the \$600 was given to CUDD, CUDD gave the suspected methamphetamine to EMERSON in a clear plastic bag. EMERSON then left the residence, and immediately thereafter, met with law enforcement and turned over the suspected methamphetamine that was purchased and the recording devices. Detectives reviewed the recordings and confirmed that the purchase did take place as described by EMERSON. Detectives observed the substance and, in their training and experience, the appearance was consistent with that of methamphetamine. The substance field tested positive for methamphetamine. The suspected methamphetamine was sent to the DEA lab for testing.

CONCLUSION

12. Based on the foregoing facts, my training and experience, and information obtained through the investigation to date, I respectfully submit there

is probable cause to believe that Clifford EMERSON and Timothy CUDD both violated Title 21, United States code, Section 841(a)(1). Furthermore, I respectfully submit there is probable cause to believe that Clifford EMERSON violated Title 18, United States Code, Section 924(c)(1)(A).

13. Due to the ongoing nature of the investigation, I request that the Court keep all papers associated with the complaint and arrest warrants under seal. Premature disclosure of the existence of these documents could lead suspects to flee or destroy evidence.